

CHAPTER 7: LAND USE AND DEVELOPMENT CODE

SECTION 7.1.2 - DEFINITIONS

7.1.200.03 Definitions.

The following words and phrases, when used in this Code, shall have the meanings ascribed to them in this Section:

Access: The way or means by which pedestrians, bicycles, and vehicles shall have safe, adequate and usable ingress and egress to property. *(Amended effective 4/2/09, Ordinance #589)*

Access Management: Regulation of access to streets, roads, and highways from public roads and private driveways. *(Amended ORD 642-Effective 07/02/18)*

Accessory Dwelling Unit: An interior, attached or detached residential structure with kitchen, bathroom and living areas that is used in connection with or that is accessory to a single-family dwelling on the same lot or parcel. *(Amended ORD 633-Effective 06/06/16)*

Accessory Structure: A detached, subordinate building on the same lot or parcel, the use of which is incidental to the main building or use of the land. An accessory structure does not include habitable living space. *(Amended ORD 642-Effective 07/02/18)*

Accessory Structure [Flood]: Sheds or small garages that are exempt from elevation or flood proofing requirements. This definition shall be limited to detached structures less than 480 square feet in area.

Accessory Use: A use incidental and subordinate to the main use of the parcel, lot or building.

Accessway: A right-of-way or easement, not located within a street right-of-way, that provides space for either or both pedestrian and bicycle passage. *(Amended ORD 589-Effective 4/2/09)*

Adult Care Facility: See Nursing Home.

Adult Foster Care: See Residential Home and Residential Facility.

Alteration [Historic]: A change, addition, or modification to the exterior of a building.

Appeal: A request for a review of a decision authority's action on an application.

Applicant: The property owner of record, contract purchaser or agent authorized to work on behalf of, or represent, an owner.

Approved: Means approved by the City Manager, Planning Commission or City Council having the authority to grant such approval. *(Amended ORD 608 effective 10/06/11)*

Area: The total area circumscribed by the boundaries of a lot or parcel, except:

1. When the legal instrument creating the property shows the boundary extending into a public street right-of-way, then for purposes of computing the lot or parcel area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and $\frac{1}{2}$ of existing right-of-way from the center of the traveled portion of the street.
2. Private access easements, and the access strips to flag-lots, shall not be included when calculating the area of a lot or parcel.

This definition shall not be construed to interpreted to establish property boundaries.

Area of Special Flood Hazard [Flood]: Land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Assisted Living Centers: Means a building, complex or distinct part thereof, consisting of fully self-contained individual living units where six or more seniors and persons with disabilities may reside. The facility offers a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents, using a program approach that promotes resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, independence, and home-like surroundings. *(Amended ORD 584-Effective 12/3/07)*

Automotive Repair: A business established for the purpose of maintaining and repairing automobiles, trucks, vans, motorcycles and similar vehicles. This definition includes regular maintenance, major overhauls such as engine rebuilding or transmission repair and auto body repair and painting.

Base Flood Level [Flood]: The flood level having a one (1) percent chance of being equaled or exceeded in any given year (100 year flood plain).

Basement: The habitable portion of a building between floor and ceiling which is partly below and partly above grade, but located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Bicycle Facilities: Any facilities provided for the benefit of bicycle travel, including bikeways and parking facilities as well as all other roadways not specifically designated for bicycle use. *(Amended ORD 589-Effective 4/2/09)*

Bikeway: A paved facility provided for use by bicyclists. *(Amended ORD 589-Effective 4/2/09)*

There are four types of bikeways:

1. Shared Roadway: A type of bikeway where motorists and bicyclists occupy the same roadway area.
2. Shoulder Bikeways: A bikeway which accommodates bicyclists on paved roadway shoulder.

Bike Lanes: A section of the roadway designated for exclusive bicycle use. *(Amended ORD 589-Effective 4/2/09)*

Bike Paths: Bike lanes constructed entirely separate from the roadway. *(Amended ORD 589-Effective 4/2/09)*

Block: A parcel of land bounded by 3 or more through streets.

Building: A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind. Recreational vehicles and tents shall not be considered buildings.

Building Height: The vertical distance from the average elevation of the finished grade to the highest point of the structure. By definition, building height does not include architectural and building features specifically exempted from height restrictions.

Building Official: An individual empowered by the City to administer and enforce the Uniform Building Code (UBC).

Cannabinoid: Any of the chemical compounds that are the active constituents of marijuana. *(Added ORD 633-Effective 06/06/16)*

Cannabinoid Concentrate: A substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure of any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule. *(Added ORD 633- Effective 06/06/16)*

Cannabinoid Edible: Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated. *(Added ORD 633-Effective 06/06/16)*

Cannabinoid Extract: A substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane, or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure of any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule. *(Added ORD 633-Effective 06/06/16)*

Cannabinoid Product: A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana itself, a cannabinoid concentrate by itself, or industrial hemp as defined in Oregon Revised Statutes 571.300. *(Added ORD 633-Effective 06/06/16)*

Carpool: Two or more persons each with valid driver's licenses commuting in a single vehicle. *(Amended ORD 589-Effective 4/2/09)*

Carport: A structure consisting of a roof and supports for covering a parking space and of which not more than one side shall be enclosed by a wall.

Cemetery: Land designed for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery.

Church: See "House of Worship". *(Amended ORD 642-Effective 07/02/18)*

City: The City of Dayton, Oregon.

Clear-Vision Area: A triangular area at the intersection of two right-of-ways, two sides of which are lines measured from the corner intersection of the right-of-way lines for a specific distance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the right-of-way lines will be extended in a straight line to a point of intersection.

Commission: The Planning Commission of Dayton, Oregon.

Comprehensive Plan: The officially adopted City of Dayton Comprehensive Plan.

Conditional Use: A use which may be permitted in a particular zone, but because of the type or nature of the uses conditions for its establishment and operation may be necessary to ensure compatibility with adjacent land uses.

Condominium: Development whereby the residences or buildings are owned by individuals and the underlying property and its maintenance is held jointly by a home owners association. Condominiums are subject to provisions in ORS Chapter 94.

Conforming: In compliance with the regulations of this Code.

Conveyance [Flood]: Refers to the carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of flood waters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second.

Council: The City Council of Dayton, Oregon.

Cultural Resource Inventory [Historic]: Historical buildings or sites placed on the historical resource inventory.

Day Care Facility: An establishment, not a part of a public school system, in which are commonly received 3 or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given care apart from their parents or guardians.

Decision: The formal act by which the City Manager, Planning Commission or City Council makes its final disposition of a land use action. *(Amended ORD 608-Effective 10/06/11)*

Demolish [Historic]: The razing, destruction, or dismantling of an historic resource to the degree that its historic character is substantially obliterated. *(Amended ORD 600-Effective 11/04/10)*

Density: The number of dwellings units per acre of land. "Land" includes all property within an "area" as defined in this section.

De Novo (hearing): Public hearing (on appeal) whereby the decision is not based solely on the existing public record but whereby new evidence may be presented.

Develop: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a material or physical change in the use or appearance of land, to divide land into lots or parcels, or to create or terminate rights of access.

Development: Artificial changes to property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Development [Flood]: Any activity that has the potential to cause erosion or increase the velocity or depth of floodwater. Development may include, but is not limited to, residential and non-residential structures, fill, utilities, transportation facilities, and the storage and stockpiling of buoyant or hazardous materials.

Designated Landmarks Register: The list of historic building or sites and archeological resources identified as "significant" and the record of information about properties officially recognized by the City of Dayton as important in its prehistory and history. *(Added ORD 600-Effective 11/04/10)*

Drive-in: An eating establishment where customers park their vehicles and are served by staff who walk out to take orders and return with food, encouraging diners to remain parked while they eat. *(Added ORD 610-Effective 4/2/12)*

Drive-through window: A building window that is designed to allow patrons to remain in their vehicles while services, goods, or transactions are delivered or provided to the customer through the service window. *(Added ORD 610-Effective 4/2/12)*

Dwelling Unit: One or more rooms designed for occupancy by one family.

Dwelling Unit-Accessory: An interior, attached or detached residential structure with kitchen, bathroom and living areas that is used in connection with or that is accessory to a single-family dwelling on the same lot or parcel. *(Added ORD 642-Effective 07/02/18)*

Dwelling, Multi-Family: A building containing three or more dwelling units designed for occupancy by families living independently of each other.

Dwelling, Single Family (Attached): A building, located on a single parcel or lot, containing one dwelling unit designed exclusively for occupancy by one family, but sharing a common wall or corner on one or two sides with a similar adjacent unit.

Dwelling, Single Family (Detached): A detached building, located on a single parcel or lot, containing one dwelling unit designed exclusively for occupancy by one family.

Dwelling, Two-family (Duplex): A detached building, located on a single parcel or lot, containing two dwelling units designed for occupancy by two families living independently of each other.

Easement: A grant of right to use an area of land for a specific purpose.

Employees: All persons, including proprietors, performing work on a premises.

Encroachment: Any structure or use, or part of a structure or use, which is placed or advanced beyond the proper limits or boundaries such as a building encroaching into a required setback area..

Encroachment [Flood]: Any obstruction in the flood plain which affects flood flows.

Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more mobile/manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile/manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Code.

Expansion to an Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision [Flood]: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Family: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or a group of not more than five unrelated individuals, living together as a single housekeeping unit.

Family Day Care Provider: A day care provider who regularly provides child care in the family living quarters of the home of the provider.

FEMA [Flood]: The Federal Emergency Management Agency, the federal organization responsible for administering the National Flood Insurance Program.

Fill [Flood]: The placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc.

Final Decision: A decision made in accordance with, and pursuant to, the provisions of this Code, or decisions made by the Land Use Board of Appeals or the Courts, after the applicable appeal periods have expired.

Flood or Flooding [Flood]: A general and temporary condition of partial or complete inundation of usually dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary Floodway Map (FBFM) [Flood]: The map portion of the Flood Insurance Study (FIS) issued by the Federal Insurance Agency on which is delineated the Flood Plan, Floodway (and Floodway Fringe), and cross sections (referenced in the text portion of the FIS).

Flood Elevation Certificate [Flood]: Certification by a professional surveyor or other authorized official indicating the height of the lowest floor of a building.

Flood Insurance Rate Map (FIRM) [Flood]: The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones applicable to the community and is on file with the City of Dayton.

Flood Insurance Study (FIS) [Flood]: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway map and the water surface elevation of the base flood and is on file with the City of Dayton.

Flood Plain [Flood]: Lands within the City that are subject to a one (1) percent or greater chance of flooding in any given year as identified on the official zoning maps of the City of Dayton.

Flood Proofing [Flood]: A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

Floodway [Flood]: The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Once established, nothing can be placed in the floodway that would cause any rise in the base flood elevation.

Floodway Fringe [Flood]: The area of the flood plain lying outside of the floodway as delineated on the FBFM where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge.

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet;
2. Basement, if the floor above is less than six feet above grade;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers;
6. Off-street parking or loading spaces.

Frontage: That portion of a lot or parcel which abuts a public street.

Garage: An accessory building or a portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

Grade: The average elevation of the finished ground at the centers of all walls of a building.

Hazardous Material: Combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment.

Historic Resource: A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. See Chapter 7.2.112. Resource types are further described as: *(Revised ORD-Effective 11/4/10)*

Building: A construction made for purposes of shelter or habitation, e.g. house, barn store, theater, garage, school, and etc. *(Added ORD 600-Effective 11/4/10)*

Structure: A construction made for functions other than shelter or habitation, e.g. bridge, dam, highway, boat, and etc. *(Added ORD 600-Effective 11/4/10)*

Object: A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e.g. statue, fountain, milepost, monument, sign, and etc. *(Added ORD 600 11/4/10)*

Site: The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e.g. battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, and etc. *(Added ORD 600-Effective 11/4/10)*

District: See Historic District below. *(Added ORD 600-Effective 11/4/10)*

Historic District: A geographically defined area possessing a significant concentration of buildings, objects, and/or sites which are unified historically by plan or physical development, the boundaries of which have been adopted by the Council under Section 7.2.112.05. *(Revised ORD 600-Effective 11/4/10)*

Home Occupation: A business or professional activity operated by a resident of a dwelling unit as a secondary use of the residence. This term does not include the lease or rental of a dwelling unit, the rental of guest rooms on the same premises, or the operation of a day care facility.

Hospital: An establishment which provides sleeping and eating facilities to persons receiving medical care and nursing service on a continual basis.

Hotel/Motel: A commercial building offering lodging to transients for compensation and not designed primarily for residential use.

House of Worship: A church, mosque, synagogue, temple, meeting house, or other nonresidential building used primarily for religious worship. A house of worship may include accessory buildings for related religious activities, but not kindergarten through grade 12 school facilities. *(Amended ORD 642-Effective 07/02/18)*

Junk Yard/Wrecking Yard: The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.

Kennel: Any lot or premises on which four or more dogs and/or cats over the age of four months are kept for sale, lease, boarding, or training.

Land Division: Any partition or subdivision of a lot or parcel.

Land Use Action: An amendment to the City of Dayton Comprehensive Plan or this Code, or a decision on a zone change, variance, conditional use, partitioning or subdivision, site plan review or administrative permits, including appeals from any of the foregoing decisions. The issuance of a building permit is not a land use action.

Landscaped: Areas primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways sculpture, trellises, and screens.

Legislative Action: Land use action involving amendments to the Comprehensive Plan, the text of this Code, or an amendment to the Comprehensive Plan map or Zoning map involving more than 5 separate property ownerships.

Livestock: Animals such as, but not limited to, horses, cattle and sheep, which are customarily found and raised on farms and ranches.

Loading Space: An off-street space on the same lot with a building, or group of buildings, used for the parking of a vehicle while loading or unloading merchandise, materials or passengers.

Lot: A unit of land created by a subdivision as defined in ORS 92.010 in compliance with all applicable zoning and subdivision codes; or created by deed or land sales contract if there were no applicable zoning, subdivision or partitioning codes, exclusive of units of land created solely to establish a separate tax account. Such lots may consist of a single lot of record; a portion of a lot of record; or a combination thereof. Lots created judicially may be considered legal lots only if established as part of a formal judicial decree or settlement.

Lot, Corner: A lot abutting on two or more intersecting streets, other than an alley or private access easement. (See also Lot, Through)

Lot, Flag: A lot or parcel of land with access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership.

Lot, Frontage: The distance between the two side lot lines measured at the minimum front setback line, parallel to the street line.

Lot, Interior: A lot other than a corner lot.

Lot, Through: An interior lot having frontage on two streets. (See also Lot, Corner.)

Lot Area: The total area of a lot, measured in a horizontal plane within the lot boundary lines, and exclusive of public and private roads and easements of access to other property. For the purposes of establishing the minimum lot area requirements of this Code, the access strip of a flag-shaped lot and a private access easement shall be excluded from the measurement.

Lot Depth: The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Line, Front: In the case of an interior lot having only one street or private access easement frontage, the lot line separating the lot from the street right-of-way or the nearest boundary line of a private access easement. Where no street separation exists, the lot line which the architecturally designed front of the building faces.

Lot Line, Rear: A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the

lot, parallel to and at a maximum distance from the front line.

Lot Line, Side: Any property line which is not a front or rear lot line.

Lot Line, Zero: A lot line shared by a common wall of two attached dwellings, or, a condition whereby a residence is located adjacent to a side lot line without a setback.

Lot of Record: A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Yamhill County property records.

Lot Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

Lowest Floor [Flood]: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code.

Major Public Improvement [Historic]: The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property within a district or on a landmark site, except for the repair or maintenance of existing public improvements.

Manufactured Home: A home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), and constructed after June 15, 1976.

Manufactured Home [Flood]: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes mobile homes as defined in this Section. For insurance and floodplain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home park or subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home Park: Any place where more than four manufactured homes are located within 500 feet of one another on property under the same ownership, the primary purpose of which is to rent or lease space to any person, or, to offer space free in connection with securing the trade or patronage of such person. Manufactured home park does not include lot(s) located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Code.

Marijuana Processor: Facility for processing, compounding, or converting of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts provided that the marijuana processor is registered by the Oregon Health Authority or licensed by the Oregon Liquor Control Commission. *(Added ORD 633-Effective 06/06/16)*

Marijuana Producer: Facility for planting, cultivating, growing, trimming, harvesting, or drying of marijuana provided that the marijuana producer is registered by the Oregon Health Authority or licensed by the Oregon Liquor Control Commission. *(Added ORD 633-Effective 06/06/16)*

Marijuana-Related Use(s): Marijuana Processor, Marijuana Producer, marijuana Retailer, Marijuana Testing Laboratory, and Marijuana Wholesaler. *(Added ORD-Effective 06/06/16)*

Marijuana Retailer: Facility for sale of marijuana and related products to a consumer that is licensed by the Oregon Liquor Control Commission. Also, location of a medical marijuana dispensary that is registered by the Oregon Health Authority. *(Added ORD 633-Effective 06/06/16)*

Marijuana Testing Laboratory: Facility for testing of marijuana items that is licensed by the Oregon Liquor Control Commission. *(Added ORD 633-Effective 06/06/16)*

Marijuana Wholesaler: Facility for resale of marijuana and related products to a person other than a consumer that is licensed by the Oregon Liquor Control Commission. *(Added ORD 633-Effective 06/06/16)*

Mean sea level [Flood]: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mini-storage Warehouse: A facility designed and intended to be used for the rental of storage units to individuals and businesses for the safekeeping of property.

Mobile home [Flood]: A vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is 32 feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined by this Section.

Modular Home: A home which is constructed off-site and so designed to be transported to, and/or assembled on, the permanent building site, and, which complies with the Uniform Building Code requirements for a single family home.

Motel: See Hotel/Motel.

Multi-use path: An accessway physically separated from motor vehicle traffic by an open space or barrier and either within a highway right-of-way or within an independent right-of-way or easement, used by bicyclists, pedestrians, joggers, skaters and other non-motorized travelers. *(Amended ORD 589-Effective 4/2/09)*

Nearby: Activities or uses within $\frac{1}{4}$ mile which can be reasonably expected to be used by pedestrians or within 1 mile which can reasonably expected to be used by bicyclist. *(Amended ORD 589-Effective 4/2/09)*

Neighborhood Activity Centers: Existing or planned schools, parks, shopping areas, transit stops or employment centers. *(Amended ORD 589-Effective 4/2/09)*

New Construction: Structures for which construction was initiated on or after the effective date of this Code.

New Construction [Flood]: Any structure(s) for which the start of construction commenced on or after the original effective date of the Flood Plain Overlay Zone.

Non-Conforming Structure or Use: A lawfully existing structure or use at the time this Code, or any amendments, becomes effective, which does not conform to the requirements of the zone in which it is located.

Notification Area: An area bounded by a line, parallel to a boundary of a subject lot. As used in this section "subject lot" includes not only the lot that is the subject of the land use action, but also includes any contiguous lot in which any applicant or owner of the subject lot has either sole, joint, or common ownership, or an option to purchase. In the event that the application does not apply to the entire lot, the boundary of the notification area shall be measured from the lot line, not the boundary of the portion of the lot.

Notification List: A certified list prepared by a Title Company or the Yamhill County Assessor's Office which includes the names and addresses of all property owners within the notification area as shown in the County Assessor's records.

Nursing Home: A home, place or institution which operates and maintains facilities providing continual convalescent and/or nursing care. Convalescent care may include, but is not limited to, the procedures commonly employed in the nursing and caring for the aged and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility.

Obstruction [Flood]: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that it is placed where the flow of water might carry the same downstream to the damage of life or property.

Official Zoning Map: The map which indicates the zones in the City of Dayton.

Open Space: Land, usually in a natural state and minimally improved, set aside for the purpose of retaining natural features, providing recreation opportunities, limiting development of hazardous areas or providing a buffer for adjacent lands.

Overlay Zone: A separate zone which establishes specific development requirements addressing unique circumstances or situations on a property or group of properties. For example, the "flood plain overlay zone" establishes special requirements for development within the flood plain and is used in addition to, but does not supplant, the development requirements of the property's underlying zone.

Owner: For the purpose of land use, the owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract. For the purpose of a land use application, an "owner" may be considered a contract land sales purchaser with an earnest money agreement.

Parcel: A unit of land that is created by a partitioning of land.

Park: An area of land, usually in a natural state, set aside for the enjoyment and use by the public. Park includes land as well as facilities and improvements to the land.

Park and Ride Lot: Parking spaces, dedicated or shared use, that are provided for motorists who transfer to and from single occupancy vehicles to either public transportation vehicles or to a carpool or vanpool operation. *(Amended ORD 589-Effective 4/2/09)*

Parking Lot or Area: An open area, building or structure, other than a street or alley, used for the parking of automobiles and other motor vehicles and available for use by persons patronizing a particular building, establishment or area.

Parking Space: On and off street spaces designated for the parking of one motor vehicle; off street spaces shall be connected with a street or alley by a surfaced driveway which affords ingress and egress. *(Amended ORD 589-Effective 4/2/09)*

Partition: To divide an area of land into two or three parcels within a calendar year when such area of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include:

1. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; or,
2. Any adjustment of a property line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning code or,
3. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

Pedestrian Connection: A continuous, unobstructed, reasonably direct route intended and suitable for pedestrian use between two points. *(Amended ORD 589-Effective 4/2/09)*

Pedestrian Plaza: A small semi-enclosed area usually adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit, stand, or rest. *(Amended ORD #589, Effective 4/2/09)*

Permit (noun): Any action granting permission to do an act or to engage in activity where such permission is required by this Code.

Permitted Use: Those uses permitted in a zone that are allowed without obtaining a conditional use permit.

Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Pet: Domestic animal kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food, fur, or monetary gain. Pets may include dogs, cats, birds, small mammals and reptiles, but may not include fowl, herd animals, pigs, goats or horses of any type or breed.

Plan Map: An officially adopted map of the City, including urban growth boundary, showing land use designations identified in the Comprehensive Plan.

Planning Commission: The Planning Commission of Dayton, Oregon.

Plat: The final map which is a diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition and consistent with the provisions in ORS Chapter 92.

Professional Office: An office occupied by an accountant, architect, attorney-at-law, engineer, surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character.

Property Line Adjustment: The realignment of a common boundary between two contiguous lots or parcels which does not create a new lot or parcel.

Public Facilities and Services: Projects, activities, and facilities which are necessary for the public health, safety, and welfare. These may include, but are not limited to, water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, cell towers and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas.

Reasonably Direct: A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users. (*Amended ORD 589, Effective 4/2/09*)

Recreational Vehicle [RV]: A unit, with or without motive power, which is designed for human occupancy and intended to be used for recreational or temporary living purposes. Recreational vehicle includes:

1. **Camping Trailer:** A non-motorized vehicle unit mounted on wheels and constructed with sides that can be collapsed when the unit is towed by another vehicle.
2. **Motor Home:** A vehicular unit built on or permanently attached to a motorized vehicle chassis cab or van which is an integral part of the complete vehicle.
3. **Travel Trailer:** A vehicular unit without motive power which has a roof, floor, and sides and is mounted on wheels and designed to be towed by a motorized vehicle, but which is not of such size or weight as to require special highway movement permits.
4. **Truck Camper:** A portable unit which has a roof, floor, and sides and is designed to be loaded onto and unloaded out of the bed of a truck or pick-up truck.
5. **Boat:** Licensed or un-licensed, including trailer.
6. **All-terrain vehicle (ATV).**

Recreational vehicle [Flood]: A "camper," "motor home," "travel trailer," as defined in ORS 801.180, 801-350, and 801-565 that is intended for human occupancy and is equipped with plumbing, sinks, or toilet, and does not meet the definition of a mobile home in sub V., of this Section.

Recreational Vehicle Park [RV]: Any area operated and maintained for the purposes of providing space for overnight use by recreational vehicles.

Recreational Vehicle Space [RV]: The area occupied by a recreational vehicle.

Recycling Depot: A area used for the collection, sorting, and temporary storage of discarded materials which are taken elsewhere to be re-used or recycled. A "recycling depot" excludes a garbage transfer station.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not include structural changes.

Residential Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources

licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to and resident of the residential facility.

Residential Home: A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to ant resident of the residential facility.

Right-of-Way: The full length and width of a public street or way, either planned or constructed.

Rooming and Boarding House: A residential building or portion thereof with guest rooms, providing lodging, or lodging and meals, for 3 or more persons for compensation.

School, Elementary, Junior High or High School: An institution, public or private, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

School, Trade or Commercial: A building where the instruction is given to pupils for a fee, which fee is the principal reason for the existence of the school.

Scrap and Waste Materials Establishment: An business that is maintained, operated or used for storing, keeping, buying or selling old or scrap copper; brass, rope, rags, batteries, paper, rubber, or debris; waste or junked, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts (except wrecking yards), iron, steel, or other old scrap metal or non-metal materials. Scrap and waste materials establishments does not include drop stations, solid waste transfer stations, or recycling depot.

Semi-Public Use: A structure or use intended for a public purpose by a non-profit organization.

Service Station: A site and associated buildings designed for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul. "Major repair and overhaul", as used in this definition, shall be considered to include such activities at painting, bodywork, steam cleaning, tire recapping, and major engine or transmission overhaul or repair involving the removal of a cylinder head or crankcase.

Setback: The distance between a specified lot line and the foundation or exterior wall of a building or structure.

Short-Term Rental: The use of a dwelling unit by any person or group of persons entitled to occupy for rent for a period of less than 30 consecutive days. Short-Term Rentals do not include Bed and Breakfasts or Hotel/Motels. *(Added ORD 633-Effective 06/06/16)*

Short-Term Rental, Owner Occupied: A single or two-family dwelling where the owner resides and rents no more than three guest rooms in a single dwelling to overnight guests for a period less than 30 consecutive days. The owner occupies the primary dwelling during the overnight rental period. The room(s) for rent may include rooms within an accessory dwelling unit or attached duplex. *(Added ORD 633-Effective 06/06/16)*

Site, Development, or Complex: A group of structures or other development that is functionally or conceptually integrated, regardless of the ownership pattern of the development or underlying land.

Small Wind Energy System: A wind energy system consisting of a wind turbine, a support

structure, and associated control of conversion electronics and that has a rated capacity of not more than 10kW and that is intended to reduce on-site consumption of utility power. *(Added ORD 608 effective 10/06/11)*

Space, Manufactured Home: An area or lot reserved exclusively for the use of a manufactured home occupant located within a manufactured home park. This definition excludes individual lots within a subdivision or individual parcels.

Special Permitted Use: A use allowed outright within a zone but requiring special design or development requirements identified elsewhere within the Code.

Start of Construction: The actual start of construction, repair, reconstruction, placement or other improvement.

Start of Construction [Flood]: The first placement or permanent construction of a structure (other than a mobile/manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not used as part of the main structure.

For a structure (other than a mobile/manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

For mobile/manufactured homes not within a mobile/manufactured home park or manufactured home subdivision, "start of construction" means affixing of the mobile/manufactured home to its permanent site. For mobile/manufactured homes within mobile/manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile/manufactured home is to be affixed (including at a minimum, the construction of streets with final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Storage Container: A container or structure designed for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation or wheels for movement. Examples include piggyback containers that can be transported by mounting on a chassis, and "POD" type boxes that can be transported on a flatbed or other truck. *(Added ORD 619, Adopted 09/02/14)*

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than 6 feet above grade as defined herein, such basement or cellar shall constitute a story.

Street: The entire width between the right-of-way lines of every way of travel which provides for ingress and egress for motor vehicle, bicycle, and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. Streets shall follow the street designation identified in the Dayton Comprehensive Plan. A private way that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes is excluded from this definition. *(Amended ORD 589, Effective 4/2/09)*

1. **Alley:** A minimum transportation facility for less than two lanes of traffic, designed to pass through a block and give access to the back or side of properties, which front on a

two lane transportation facility. *(Amended ORD 589, Effective 4/2/09)*

2. **Arterial:** A minimum two lane transportation facility designed to carry “through” traffic; generally emphasizes mobility over access by fronting properties; some access to fronting properties is provided within the urban growth boundary, but where possible access for fronting properties should be diverted to side streets, alleys, or shared access between two or more fronting properties; generally, arterial street traffic has priority over traffic from all other streets; provides bikeways; provides sidewalks; may provide on street parking. *(Amended ORD 589, Effective 4/2/09)*
3. **Collector:** A minimum two-lane transportation facility designed to provide internal links between neighborhoods; such linkage is accomplished by connecting the local internal streets to the community arterial streets system; may provide through traffic movement; generally, collector street traffic has priority over local street traffic; while access is available to all properties fronting the collector street, some circumstances may require access being diverted to side streets, alleys, or shared with abutting properties; provides bikeways; provides sidewalks; may provide on street parking. *(Amended ORD 589, Effective 4/2/09)*
4. **Cul-de-sac (dead-end):** A minimum two-lane transportation facility, with one end connected to a street and the other end terminated by a vehicle turn around or a dead end; generally, emphasizes fronting property access over mobility; may provide bikeways; provides sidewalks; may provide on street parking. *(Amended ORD 589, Effective 4/2/09)*
5. **Half Street:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision of development. *(Amended ORD 589, Effective 4/2/09)*
6. **Local Street:** A minimum two-lane transportation facility designed to provide access to all fronting properties; generally, emphasizes fronting property access over mobility; provides connectivity between neighborhoods and may provide some “through” traffic; may provide bikeways; provides sidewalks; may provide on street parking; all streets not designated arterial or collector streets are local streets. *(Amended ORD 589, Effective 4/2/09)*
7. **Private Street:** A street generally narrower in width and designed to a construction standard less than that of a public street and maintained by adjacent property owners, homeowners association or similar association approved by the City.
8. **Private Access Easement:** An easement across private property granted by the property owner to owners of one or more lots or parcels and allowing vehicles access from a street to those lots or parcels.

Structural Alteration: Any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

Structure: That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

Structure [Flood]: Roofed buildings that have two or more walls, and gas or liquid storage tanks that are principally above ground.

Substantial Improvement [Flood]: Any repair, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which exceeds 50% of the assessed value of the structure before the start of construction of the improvement:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structures. The term does not include:
 - a. Any project to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building code enforcement official and which are the minimum necessary to assure safe living conditions.
 - b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, provided, the alteration will not preclude the structure's continued designation as an historic structure.

Subdivide: To divide an area or tract of land into four or more lots within a calendar year for the purpose of transfer of ownership or building development when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property.

Subdivision: Divisions of property which create four or more lots in a single calendar year.

Tract: An area created as part of a partition or subdivision set aside for the purpose of dedication to the City, or held in ownership by an association, and not intended for residential development.

Urban Growth Boundary: An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Yamhill County.

Use: The purpose for which land or a structure is designed, arranged or intended, or, for which it is occupied or maintained.

Vanpool: More than five persons commuting in a single vehicle. *(Amended ORD 589, Effective 4/2/09)*

Vehicle: For purpose of this Code vehicle shall have the same meaning as the definition in the rules and regulations of the State Department of Motor Vehicles.

Walk-up window: A window or building feature that allows patrons to remain outside the building while services, goods, or transactions are ordered, delivered and/or provided to the customer. *(Added ORD 610 effective 4/2/12)*

Warehouse: A place for the safekeeping of goods and materials for an industrial or commercial enterprise (also see "Mini-Storage Warehouse).

Watercourse [Flood]: A natural or artificial channel in which a flow of water occurs either continually or intermittently in identified floodplain.

Wetland: Land identified as generally containing wet or spongy soil, and the plants associated

with such soils, and regulated by the Division of State Lands.

Wireless Communication Facility: Includes cellular towers, antennae, monopoles, and related facilities for signal transmission and receiving. *(Added ORD 608 effective 10/06/11)*

Wrecking Yard: See Junk Yard/Wrecking Yard.

Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Code.

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the foundation of the main building.

Yard, Rear: A yard extending across the full width of the lot between the most rear portion of a main building and the rear lot line; but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the foundation of the main building.

Yard, Side: A yard, between the main building and side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building.